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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,293	04/16/1999	ROXANA HAMEDANI	1400.9801260	4686

7590

05/22/2002

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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/293,293

Applicant(s)

HAMEDANI ET AL. *W*

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1,6-8,10 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-5,9,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 6-8, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham et al (U.S. Patent 6,097,722).

Regarding to claims 1 and 8, Graham discloses an apparatus (Fig. 1A) for connection admission control comprising a processor 140, a memory 145 operably coupled to the processor, wherein the memory stores a connection admission control algorithm, wherein when executed by the processor, the connection admission control algorithm causes the processor to determine: in response to a request for a virtual path aggregation, if there is a trunk group (Fig. 5A, 5B, 5C, and 6, 'path group'), within a source switch 130x (Fig. 1A), having a virtual path identifier that matches the virtual

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path identifier of the virtual path aggregation, wherein the request indicates a desired data path between the source switch and a destination switch, wherein the request includes a traffic descriptor and a virtual path identifier for the virtual path aggregation (Fig. 8 col. 7 lines 29-35); reject the virtual path aggregation request when: there is a trunk group within the switch with the same virtual path identifier as the virtual path aggregation and bandwidth characteristics of the virtual path aggregation that are included in the traffic descriptor compare unfavorably (overload) with bandwidth limitations of the trunk group (Fig. 8 col. 7 lines 65-67 and col. 8 lines 1-14); and create the virtual path aggregation such that the virtual path aggregation corresponds to the trunk group when there is a trunk group within the switch with the same virtual path identifier as the virtual path aggregation and the bandwidth characteristics of the virtual path aggregation compare favorably with bandwidth limitations of the trunk group (Fig. 8, after determine the VP group and VP, and if the bandwidth available the connection is set up).

Regarding to claims 6, 7, and 13, Graham discloses for the connection admission algorithm creating the virtual path aggregation such that the virtual path aggregation corresponds to the trunk group further comprises creating the virtual path aggregation such that the virtual path aggregation supports virtual channel connections (Fig. 7A and 7B col. 12 lines 49-67).

Regarding to claim 10, Graham discloses the connection admission control algorithm further comprises operating instructions that cause the processor to create the

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virtual path aggregation corresponding to the trunk group such that the virtual path aggregation supports switched connections (col. 11 lines 45-47).

***Allowable Subject Matter***

3. Claims 2-5, 9, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 14-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: In U.S. Patent 5,467,348, Fujii et al discloses a bandwidth allocation system, wherein a processor selectively specifies a virtual path of a call request based on the media characteristics (service category) of the communication information, thereby determining the presence/absence of the selected virtual path (Fig. 4 col. 3 lines 57-66). However, the prior art of record fails to teach or make obvious the step of "determining if the connection is a virtual channel connection type" and "when the connection is a virtual channel connection type determining if the service category for the connection is supported by the virtual path aggregation", especially when the setting is considered within the specific combinations of steps defined in independent claims 14 and 18. Claims 15-17 and 19-21 are allowable because they depend on claims 14 and 18, and recite further limitations.

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**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD  
May 14, 2002

*Steron Nguyen*  
AU 2663  
5/17/02